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**From:** Ibby Foster <IFoster@Polsinelli.com> on behalf of Mitchell Klein <mjklein@polsinelli.com>  
**Sent:** Tuesday, July 3, 2012 10:07 AM  
**To:** Williams, Laurie  
**Cc:** 'Black, Ken'; Lucas Narducci  
**Subject:** RAML/Church Rock

Dear Laurie

We are in receipt of your email from Friday night at about 6 p.m. asking for my client RAML to respond to the information provided and action items by Tuesday, July 3rd.

Initially, let me state that it is impractical to think that my client can react to the issues presented by the EPA on such short notice, particularly when the request is not consistent with the site technical information nor with the EPA's basis for the AOC. Moreover, as we indicated on the phone, the discussions to date with GE were not substantive nor clearly aligned with our understanding of the EPA's expectations from the AOC.

For my client to prepare an informed response, RAML requests that it be provided, in writing, with the specific action requested by the EPA and the technical basis supporting such action, including the data, explanation thereof, the assessments and other supportive materials requiring the contemplated activities and also the work plans submitted by GE or others to accomplish the activity. Your email on June 29 does not present either a technical or legal basis for RAML to undertake any more work than it has been accomplishing under the AOC at this point in time.

We have been told that there is work required to be accomplished by GE this summer and that GE states they are fearful that the Red Water Pond Road conditions present a threat of recontamination of the work GE will do. It is our belief that the actions taken by RAML and planned for this month on the shoulders of the road have stabilized the conditions presented and we satisfied our obligation to stabilize the road and shoulders as required under the AOC.

Lastly, as we discussed again on Friday RAML's legal responsibility to participate as a responsible party in this project, if any, is limited to the extent that Quivira had any such responsibility and such liability, and is limited to the extent of KMNC liability. Due to our review of materials recently received in response to our FOIA request, it has become clear that the facts and circumstances do not support the fact that responsibility for the construction of the road belongs with Quivira and thus RAML. Although RAML continues to cooperate with EPA with respect to the issues RAML was presented in the AOC as well as others, we need to take the opportunity to discuss this further with you.

We would appreciate receiving in writing the requested information outlined in this email at your first convenience.

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